



REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
QUEZON CITY

FIFTH DIVISION

PEOPLE OF THE
PHILIPPINES,

Plaintiff,

SB-11-CRM-0259

-vs-

FIDEL V. ANACTA, JR.,
Accused.

Present:

LAGOS, J., Chairman
MENDOZA-ARCEGA, J.,
and MAÑALAC-CORPUS,

Promulgated:

August 01, 2018 *lol*

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RESOLUTION

MENDOZA-ARCEGA, J.:

A Motion for Reconsideration was filed by the accused, through counsel on July 3, 2018, of the Resolution of the Court dated May 4, 2018, denying the accused's Manifestation and Urgent Motion Ad Cautela(m) dated April 30, 2018.

The accused, in his motion, alleges that the principle of judicial courtesy should be observed by this Court, considering the pendency of the Second Motion for Reconsideration and Urgent Motion to Recall Entry of Judgment,¹ filed by the accused with the Supreme Court. Moreover, the accused maintains that the issuance of a warrant of arrest by this Court preempts the possible resolution of the Supreme

¹ Filed by the accused, through counsel, on March 16, 2018 and April 13, 2018.

Court of the pending matters therein, thus he prays for the setting aside or recall of the assailed resolution.

The prosecution, by way of Comment/Opposition², counters that the Entry of Judgment was not improvidently issued in view of the finality of the Supreme Court decision affirming the conviction of the accused. Furthermore, it argues that assailed resolution of the Court should not be recalled nor set aside in view of the said Entry of Judgment.

Thus, this resolution.

In the case of *Trajano v. Uniwide Sales Warehouse Club*³, the Supreme Court explained:

Indeed, we introduced in *Eternal Gardens Memorial Park v. Court of Appeals*⁴ the principle of judicial courtesy to justify the suspension of the proceedings before the lower court even without an injunctive writ or order from the higher court. In that case, we pronounced that "[d]ue respect for the Supreme Court and practical and ethical considerations should have prompted the appellate court to wait for the final determination of the petition [for certiorari] before taking cognizance of the case and trying to render moot exactly what was before this [C]ourt."⁵ We subsequently reiterated the concept of judicial courtesy in *Joy Mart Consolidated Corp. v. Court of Appeals*.⁶

We, however, have qualified and limited the application of judicial courtesy in *Go v. Abrogar*⁷ and *Republic v. Sandiganbayan*.⁸ In these cases, we expressly delimited the application of judicial courtesy to maintain the efficacy of Section 7, Rule 65 of the Rules of Court, and held that the principle of judicial courtesy applies only "if there is a strong probability that the issues before the higher court would be rendered moot and moribund as a result of the continuation of the proceedings in the lower court." Through these cases, we clarified that the principle of judicial courtesy remains to be the exception rather than the rule.⁹

The accused, in support of its position, cannot rely on the previous case of *Eternal Gardens Memorial Park v. Court of Appeals*¹⁰, as the Supreme Court said that the judicial courtesy rule is the exception, rather than the rule.

² Record, Vol. 3, pages 114-115.

³ G.R. No. 190253, June 11, 2014.

⁴ 247 Phil. 387-389 (1988).

⁵ Id. At 387-388, 394.

⁶ G.R. No. 88705, June 11, 1992, 209 SCRA 746.

⁷ 446 Phil. 228-229, 238 (2003).

⁸ 525 Phil. 806, 810 (2006).

⁹ See also *Garcia v. Sandiganbayan*, 532 Phil. 340, 350 (2006).

¹⁰ *Supra* note 2.

Moreover, the observance of judicial courtesy is no longer applicable in the present case since the Supreme Court already issued an Entry of Judgment, stating that the denial of the petition of the accused has become final and executory as early as January 8, 2018. The issuance of this Court of the Warrant of Arrest dated April 23, 2018, was prompted by the finality issued by the Supreme Court. Upon finality of judgment, the Court is duty bound to execute its judgment of conviction against herein accused.

In the case of *Aliviado v. Procter and Gamble Phils., Inc.*,¹¹ the Supreme Court extensively explained and discussed finality of judgment:

It is a hornbook rule that once a judgment has become final and executory, it may no longer be modified in any respect, even if the modification is meant to correct an erroneous conclusion of fact or law, and regardless of whether the modification is attempted to be made by the court rendering it or by the highest court of the land, as what remains to be done is the purely ministerial enforcement or execution of the judgment.

The doctrine of finality of judgment is grounded on fundamental considerations of public policy and sound practice that at the risk of occasional errors, the judgment of adjudicating bodies must become final and executory on some definite date fixed by law. [...], the Supreme Court reiterated that the doctrine of immutability of final judgment is adhered to by necessity notwithstanding occasional errors that may result thereby, since litigations must somehow come to an end for otherwise, it would 'even be more intolerable than the wrong and injustice it is designed to correct.'¹²

Also, in the case of *Mocorro, Jr. v. Ramirez*¹³, the Supreme Court explicated that a definitive final judgment, however erroneous, is no longer subject to change or revision. Furthermore, in the same case, the Supreme Court had the opportunity to explain the immutability and inalterability of a final judgment, thus:

A decision that has acquired finality becomes immutable and unalterable. This quality of immutability precludes the modification of a final judgment, even if the modification is meant to correct erroneous conclusions of fact and law. And this postulate holds true whether the modification is made by the court that rendered it or by the highest court in the land. The orderly administration of justice requires that, at the risk of occasional errors, the judgments/resolutions of a court must reach a point of finality set by the law. The noble purpose is to write *finis* to dispute once and for all. This is a fundamental principle in our

¹¹ G.R. No. 160506, June 6, 2011, 650 SCRA 400.

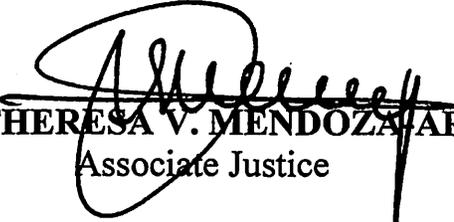
¹² *Vios v. Pantangco, Jr.*, G.R. No. 163103, February 6, 2009, 578 SCRA 129, 143-144. (Citation omitted)

¹³ G.R. No. 178366, July 28, 2008, 560 SCRA 362, 372-373.

justice system, without which there would be no end to litigations. Utmost respect and adherence to this principle must always be maintained by those who exercise the power of adjudication. Any act, which violates such principle, must immediately be struck down. Indeed, the principle of conclusiveness of prior adjudications is not confined in its operation to the judgments of what are ordinarily known as courts, but extends to all bodies upon which judicial powers had been conferred.

WHEREFORE, in view of the foregoing and for failure of the accused, to raise any laudable justification for this Court to set aside the assailed resolution, the Motion for Reconsideration is hereby **DENIED**.

SO ORDERED.


MARIA THERESA V. MENDOZA ARCEGA
Associate Justice

WE CONCUR:


RAFAEL R. LAGOS
Chairperson


MARYANN E. CORPUS-MAÑALAC
Associate Justice